

PATENT

Case Docket No. HEART.017C2
Date: April 5, 2005

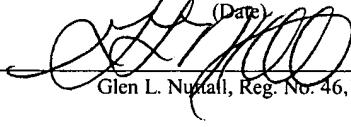
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Richard D. Charnitski
Appl. No. : 10/644,591
Filed : August 19, 2003
For : INERTIAL RESISTANCE
EXERCISE APPARATUS AND
METHOD
Group Art Unit : 3764
Class/Sub-Class : 482-115000
Examiner : Victor Kenny Hwang

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

April 5, 2005

(Date)


Glen L. Nuttal, Reg. No. 46,188

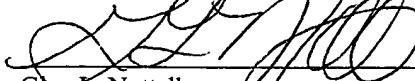
TRANSMITTAL LETTER

MAIL STOP ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

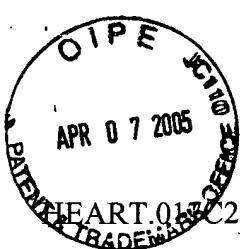
Dear Sir:

Enclosed for filing is the Issue Fee for the above-identified application:

- (X) Form PTOL-85.
- (X) A check in the amount of \$1030 to cover the issue fee, publication fee, and advanced order of copies is enclosed.
- (X) Comments on Statement of Reasons for Allowance in three (3) pages.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.
- (X) Return prepaid postcard.



Glen L. Nuttal
Registration No. 46,188
Attorney of Record
Customer No. 20,995



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CERTIFICATE OF MAILING

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April 5, 2005

(Date)

Glen L. Nutall, Reg. No. 46,188

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the Notice of Allowance mailed on February 8, 2005, the Examiner included a statement of reasons for allowance of the claims. Applicant wishes to clarify that the claims are allowable because the prior art does not teach or suggest all of the limitations of the claims taken as a whole. Specifically, independent claim 55 is allowable because the prior art does not teach or suggest an exercise apparatus comprising:

- a rotatably mounted axle;
- a weighted flywheel communicating with the axle and adapted to rotate with the axle to provide an inertial resistance;
- a line having opposing first and second ends that are attached to the axle, a first portion of the line being wound about the axle in a first direction and a second portion of the line being wound about the axle in a second direction;
- the line arranged so that, for each direction of axle rotation, as one of the first and second portions is unwound from the axle, the other of the first and second portions is simultaneously wound about the axle; and

Appl. No. : 10/644,591
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at least one handle communicating with the line and adapted to be operated by a user to manipulate the line to impart oscillating rotational acceleration and deceleration to the axle so that a first muscle group of the user performs a positive work portion against the inertial resistance produced by the rotating weighted flywheel and a second muscle group performs a negative work portion against the inertial resistance produced by the rotating weighted flywheel for each direction of axle rotation, and the positive and negative work aspects of the exercise oscillate between muscle groups each time the rotational direction of the axle and weighted flywheel changes.

Independent claim 66 is allowable because the prior art does not teach or suggest an exercise apparatus, comprising:

- a frame configured to be supported on a substantially flat surface;
- an axle rotatably mounted to the frame;
- a weighted flywheel communicating with the axle and adapted to rotate with the axle to provide an inertial resistance;
- a line having first and second ends, a wrapped portion of the line between the first and second ends being wrapped about the axle;
- first and second handles attached to the line on opposite sides of the wrapped portion, the handles adapted to be operated by a user; and
- a line guide between each handle and the wrapped portion;

wherein the apparatus is configured so that a user simultaneously applying force to the first handle with a first muscle group and the second handle with a second muscle group while the axle is rotating simultaneously performs positive work with the first muscle group against the inertial resistance produced by the rotating weighted flywheel and negative work with the second muscle group against the inertial resistance produced by the rotating weighted flywheel, and such positive and negative work oscillates between the first and second muscle groups as the rotational direction of the axle and weighted flywheel changes.

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Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 4/5/05

By: 

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